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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/455,363

12/06/1999

KAZUAKI TSUCHIYA

ASA-838

5016

24956

7590

09/12/2006

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ALEXANDRIA, VA 22314

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/455,363

Applicant(s)

TSUCHIYA ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 26-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

1. Claims 26-31 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/01/2006 has been entered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26-27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins et al (US 5485455) in view of Jain et al (US 6311218) and further in view of Inoue et al (US 6891819).

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As per claims 26 and 29, Dobbins et al discloses a network relaying method for a communication network system in which a plurality of network devices are coupled via a communication path, each network device including a network relaying device which is coupled via a plurality of I/O ports to a corresponding plurality of terminals (see column 7 line 60 through column 8 line 21), the method comprising the steps of:

receiving a packet at a first I/O port from a source terminal coupled to the first I/O port, the packet including a header containing a packet transmission source address (see column 8 lines 30-34);

determining whether a combination of the first I/O port and the packet transmission source address coincides with a combination of an I/O port and a transmission source address that have been registered in advance with a correspondence there between (see column 8 lines 35-36);

when the determining step results in a determination that the combination of the first I/O port and the packet transmission source address coincides with a combination of an I/O port and transmission source address that have been registered in advance with a correspondence there between, transferring the packet received at the first I/O port via a second I/O port (see column 9 lines 38-46);

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when the determining step results in a determination that the combination of the first I/O port and the packet transmission source address do not have a coincidence with a combination of an I/O port and transmission source address that have been registered in advance with a correspondence there between: limiting transfer of the received packet registering the first I/O port with a correspondence to the packet transmission source; and transferring the packet received at the first I/O port via the second I/O port (see column 8 line 37 through column 9 line 37 and claim 4).

Dobbins et al fails to disclose transmitting a request for user authentication of a user to the source terminal; receiving user authentication information sent from the source terminal in response to the request for user authentication; executing user authentication of the user based on the user authentication information thus received and based on the packet transmission source address.

However, Jain et al teaches such authentication (see column 5 line 21 through column 6 line 15).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to Jain et al's authentication method in Dobbins et al's connection method.

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Motivation to do so would have been to authenticate and unauthenticated port (see Jain et al column 5 lines 20-40).

The modified Dobbins et al and Jain et al system fails to explicitly disclose when the user is not authenticated, not transferring the packet.

However, Inoue et al teaches such a limitation (see column 12 lines 21-44).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the authentication processing steps of Inoue et al in the modified system of Dobbins et al and Jain et al.

Motivation to do so would have been to cope with a password guessing attack (see Inoue et al column 12 lines 21-44).

As per claims 27 and 30, the modified Dobbins et al, Jain et al and Inoue et al system discloses the authentication including a user name (see Jain et al column 5 lines 20-40), but fails to disclose a password. However Official Notice is take that at the time of the invention it would have been obvious to one of ordinary skill in the art to include a password for the authentication in the modified system. Motivation to do so would have been to provide authorized access to the system.

5. Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Dobbins et al, Jain et al

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and Inoue et al system as applied to claims 26 and 29 above, and further in view of Townsend et al (US 5661719).

As per claims 28 and 31, the modified Dobbins et al, Jain et al and Inoue et al system teaches the transmission source address includes a MAC address (see Dobbins et al column 9 lines 10-25).

The modified Dobbins et al, Jain et al and Inoue et al system fails to teach the transmission source address also includes an IP address.

However, Townsend et al teaches a transmission source address includes an IP and MAC address (see column 3 lines 13-24).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include both address in the modified Dobbins et al, Jain et al and Inoue et al system.

Motivation to do so would have been to have both the physical and logical address of the source (see Townsend et al column 3 lines 13-24).

### ***Response to Arguments***

6. Applicant's arguments filed 08/01/2006 have been fully considered but they are not persuasive. Applicant argues that

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Dobbins teaches away from a combination with Jain because Dobbins discards packets not stored in the database.

With respect to Applicant's argument, at the time of the invention one of ordinary skill in the art would have been motivated to combine the user authentication of Jain in the system of Dobbins. Dobbins teaches that when no connection is defined in the database (i.e. not registered in advanced) the switch determines when the originating computer is allowed to talk to the destination computer by applying, among other things, security constraints (see column 8 lines 30-43). Therefore the well-known security constraint of authentication taught by Jain would be applied at this time and Dobbins does not teach away from a combination with Jain. Furthermore, Jain was only relied upon for the teaching of transmitting a request for user authentication of a user to the source terminal; receiving user authentication information sent from the source terminal in response to the request for user authentication; executing user authentication of the user based on the user authentication information thus received and based on the packet transmission source address. Dobbins (and now further in view of Inoue) was relied upon for the remaining teachings the claim.



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**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuroda et al (US 6421779) teaches the stopping of processing of information when a user is not authenticated.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER